

BOARD OF REGISTRATION IN PHARMACY
MINUTES
TUESDAY AUGUST 18, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Board Members Present: James DeVita, R.Ph.; Stanley Walzyk, R.Ph.; William Gouveia, R.Ph., M.S.; George Cayer, R.Ph.; Michael J. Tocco, R.Ph., M.Ed.; Steven Budish; Joanne Trifone, R.Ph.; Donald Accetta, M.D., M.P.H.
Staff Members Present: James D. Coffey R.Ph, Director; Margaret Cittadino, Associate Director; Susan Manning, Board Counsel; Leo McKenna, Pharm.D., CQI Investigator, Samuel Penta, R.Ph. Supervising Investigator, James Emery, P.T. Investigator

1. 8:30a.m. CALL TO ORDER - President James T. DeVita, R.Ph.
Introduction of MCP Student Intern - Amanda Mytkowicz, Pharm.D.
Candidate 2010
2. 8:40a.m. LICENSING: Pharmacy/Wholesale Distributor Applications – Associate Director Margy Cittadino

New Store

CVS 1031, 4600 Washington St., Roslindale
Walgreens 12589, 1 Wrentham St., Bellingham

Store Closing

Rite-Aid 10087, 217 Worcester Rd., N. Grafton, MA. (DS2419). All files and records to be transferred to CVS 2172, 100 Worcester St., S. Grafton (DS2817) AND all CII-CV legend items and drugs to be transferred to Rite-Aid 10096 (DS2648) at 348 Greenwood Str., Worcester.

Byfield Drug, Inc. 12 Kent Way, Suite 120E, Byfield, (DS3436) All files, records and inventory to be transferred to Lynnfield Drug dba Freedom Fertility Pharmacy, 12 Kent Way, Suite 120B, Byfield, (DS3435).

Relocation – Pharmacy/Pharmacy Department

Shaw's Osco 7584, 155 Great Rd., Stow (DS3061) TO different location at the same address

Renovation

CVS 0844, 929 Main Street, Walpole (DS1402)
Wal-Mart Pharmacy 10-3561, 137 Teaticket Highway, Falmouth (DS3197)
Wal-Mart Pharmacy 10-2228, 555 Hubbard Ave. Suite 12, Pittsfield (DS2746)
Wal-Mart Pharmacy 10-3560, 375 William F. Canning Blvd. Fall River (DS3173)

Change of Manager

CVS 291, 800 Lexington St., Waltham (DS3271)
CVS 3307, 400 Tremont St., Boston (DS3205)
CVS 130, 23-25 Massachusetts Ave., Arlington (DS2535)
CVS 2322, 176 North St., Hyannis (DS2827)
CVS 5874, 631 Washington St., Boston (DS3293)
CVS 768, Rte. 110, 39 Chelmsford St., Chelmsford (DS1157)
CVS 720, 2235 Dorchester Ave. Dorchester (DS1003)

CVS 1199, 647 V.F.W. Parkway, West Roxbury (DS1981)
Family Pharmacy, 250 Green St., Gardner (DS2963)
Rite-Aid 10077, 233 Broad St., Bridgewater (DS2373)
Rite-Aid 10150, 1100 Dorchester Av., Dorchester (DS3105)
Rite-Aid 10150, 540 Gallivan Blvd., Dorchester (DS3106)
Target Pharmacy T-2127, 655 Cheshire Rd, Lanesboro (DS3443)
Walgreens 4358, 60 Springfield St., Agawam (DS2873)
Walgreens 9233, 225 Boston Turnpike, Shrewsbury (DS3407)
Wal-Mart 10 2122, 30 Memorial Dr., Avon (DS2735)

Motion Cayer/Budish to Accept applications as listed.

Recused: DeVita and Tocco for CVS applications and Trifone for Walgreens applications.

Approved

3. 8:45a.m. UPDATES Dir. James D. Coffey

- Multi-State Pharmacy Jurisprudence Examination (MPJE®)
- CDC H1N1 Flu Vaccination Program
- ACPE correspondence regarding accreditation visits
- DEA correspondence regarding practitioner responsibilities when issuing oral prescriptions for Schedule II controlled substances in emergency situations

4. 8:55a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;
 James C. Emery, Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA
 Coordinator

1	PHA-2009-0102	Motion Cayer/Tocco to dismiss with Advisory Letter. Approved unanimously
2	SA-INV-0655	Motion DeVita/Tocco to open complaint for both drugstore and pharmacists and dismiss with Advisory Letter. Approved unanimously
3	SA-INV-0281 PHA-2009-0090	Motion Trifone/DeVita for an Investigative Conference for related cases. Recused/Tocco and Cayer Approved
4	PHA-2009-0012	Motion Trifone/Walczyk to bring in the pharmacist who provided only 1 CE in two years. All other pharmacists will make up missing CEs according to the prescribed board guidelines. Recused/Cayer Approved
5	PHA-2009-0056	Motion Budish/Cayer for dismissal with advisory letter explaining how to handle similar complaints in the future. Approved unanimously.

5. 9:30a.m. REVIEW DRAFT "PHARMACY REPORT OF IMPROPER DRUG DISPENSING"

247 CMR new sections 6.14 and 15.05 (Duty to Report Certain Drug Dispensing errors to the Board): Effective January 1, 2010, a pharmacy licensed by the Board is required to report to the Board any improper dispensing of a prescription drug that results in serious injury or death, as defined by the Board, as soon as is reasonably and practically possible but not later than 15 business days after discovery or being informed of such improper dispensing.

Motion DeVita/ Budish to accept the final version of the form as reviewed.
Approved unanimously

6. 10:00a.m. PRESENTATION – CVS/pharmacy

The purpose of the appearance is to respond to a follow up request by CVS/pharmacy representatives to appear before the Board to discuss a **Pharmacy Care Center** proposal related to a centralized call center located and licensed in Rhode Island. CVS/pharmacy will be represented by Papatya Tankut, R.Ph., V.P., Pharmacy Professional Services and Bill Irvin, R.Ph., Director, Regulatory Compliance.

Motion Accetta/ Gouveia to take proposal under advisement.
Recused/ DeVita and Tocco
Approved

7. 11:00a.m. PHARMACIST REINSTATEMENT APPLICATION MEETING

In the matter of **Curtis R. Souza**, R.Ph. (Pharmacist License No. 18953 / Exp. 12/31/2004). Request for reinstatement.

Motion DeVita/Gouveia that conditions of reinstatement the candidate will: (1) complete the Charter Oak Module One in conjunction with (2) a 500 hour Internship (with preceptor) during the same period and (3) successful completion of MPJE.
Approved.

8. 11:10a.m. **Motion** Cayer/Budish to re-open the discussion of CVS Call Center Proposal.
Approved

- a. **Motion** Trifone/Cayer to approve the Call Center as a pilot project with the following conditions: (1) pharmacists and pharmacy technicians handling Massachusetts scripts must be licensed in Massachusetts (2) Pharmacists providing services at the Pharmacy Care Center and all participating Pharmacies utilize support personnel in compliance with the *supervisory ratios* required by Board regulation 247 CMR 8.06(3); (3) CVS provides prior notification to patients or the patient's agent that certain prescription filling or processing activities may be performed by at the Pharmacy Care Center and its location in Rhode Island; (4) CVS shall submit a semi-annual written report to the Department, commencing six months after the pilot project approval date, evaluating the CPPF operations to include medication

errors reported, including an aggregate analysis of "near misses"; including a description of the occurrence and resolution of any error; (5) and the Board may visit and inspect the pharmacies and Call Center to determine compliance with state laws and regulations and (6) consideration for provisions to facilitate multi-lingual communication services.

Recused/DeVita and Tocco
Approved

9. 11:30a.m. **Motion** Tocco/Cayer to move to closed session. Approved

LEGAL/REPORT OF OFFICE OF INVESTIGATIONS

Pending Legal Matters - Susan Manning, Board Counsel

MGL C.112, S.65C and MGL C.30A, S.11A

Review and Discussion of Complaints & Other Matters: Closed Session

Codman Square Pharmacy - Amadiogwu O. Onujiogu, R.Ph. 18128 – Temporary
Order of Summary Suspension PHA-2009-0115 & PHA-2009-0016

Matter of PHA-2009-0034 / **Justin Ward** (Pharmacy Technician Registration No.
24888) Review/adoption - Proposed Final Decision and Order by Default

Motion Walczyk/DeVita to revoke Technician Registration
Recused Trifone
Approved

Matter of Timothy J. **Madeira** PHA-2009-0053, (Pharmacy Technician Reg. No.
10716)

Motion Walczyk/Tocco to adopt Proposed Final Decision and Order by Default
and revoke Technician Registration. Recused Trifone
Approved

Matter of PH-07-064 / **Hai Huynh**, R.Ph. (Pharmacist License No. 24888)
Review/adoption - Proposed Final Decision and Order

Motion Cayer/Gouveia to approve a three year suspension with the following
conditions for reinstatement:

1. Successful completion of NAPLEX
2. Successful completion of MPJE
3. Complete CEs during suspension

Probation terms to be determined at the time of reinstatement.

Approved unanimously

Matter of PHA-2008-0023 / **Lara L. Killen** (Pharmacy Technician License No.
289) Review/adoption - Proposed Final Decision and Order by Default

Motion Walczyk/Trifone to approve Revocation of Technician License 289
Approved
Recused/ Tocco and DeVita

Matter of PH-08-027 / **Ralph Mastriano PH-08-027**, R.Ph. (Pharmacist License No. 19070)

Motion DeVita/Cayer For one year suspension retroactive to period beginning last September when licensee stopped working with the following provisions:

1. Documentation of date licensee stopped pharmacy employment
2. Evaluations outlined by the Board
3. The licensee cannot be an MOR/Director of Pharmacy
4. Licensee not be allowed to fill personal scripts
5. Successfully pass the MPJE examination within 90 days

Approved unanimously

Matter of PH-08-102 & 20090710PH004 / **James Muzzy**, R.Ph. (Pharmacist License No. 22318)

Motion Cayer/Walczyk for Reprimand to include 2 hours of medication error prevention continuing education & 5 LIVE CEs

Approved unanimously

10. 1:30p.m. FLEX DISCUSSION

NEW BUSINESS

- a) In the matter of **Kristen Marie O'Connor**, Pharmacy Intern Applicant

Motion Trifone/Walczyk to approve application. Approved unanimously.

- b) In the matter of Complaint Docket No. PH-04-087 / **Robert Sadler** R.Ph., (Pharmacist License. No. 22496 / Exp. 12/31/2010) – Petition for termination of Probation (conversion to current status).

Motion/Trifone, second/Walczyk to terminate probation. Approved unanimously.
Recused – DeVita

- c) In the matter of **Joely M. Graber**, R.Ph. (Pharmacist License No. 21881) requesting late renewal with insufficient CEs for 2008.

Motion Trifone/Walczyk for licensee to complete 25CEs for 2009 and then submit application for renewal
Approved unanimously.
Recused/DeVita

- d) Partnership for Healthcare Excellence: July 30, 2009 Leadership Council Meeting

- e) NABP/AACP District I & II Annual Meeting: Sept. 24 – 26th, 2009: Rhode Island

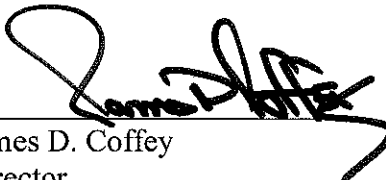
11. 1:45p.m. OLD BUSINESS

Discussion related to policy development concerning Automated Pharmacy Systems

12. 2:00 p.m. INFORMATIONAL ITEMS (FYI)

ADJOURNMENT at 2:05 p.m.

Respectfully submitted by:


James D. Coffey
Director
Date: 3/10/10

Reviewed by Counsel: February 26, 2010

Draft approved: February 26, 2010

Board approved: March 9, 2010

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CLOSED SESSION MINUTES
MGL c.112, s. 65C and MGL c.30A, s.11A

11:30 a.m. **Motion** Tocco/Cayer to move to closed session. Approved.

Board Counsel Susan Manning reviewed below matters with Board:

Codman Square Pharmacy - Amadiogwu O. Onujiogu, R.Ph. (No. 18128)

Board issued *Temporary Order of Summary Suspension* dated August 6, 2009 (Docket Nos. PHA-2009-0115 and PHA-2009-0016) regarding Amadiogwu O. Onujiogu and Codman Square Pharmacy. Respondents waived 8/25/09 hearing on necessity of summary suspension. *Final Order of Summary Suspension* to be issued by Board.

Justin Ward (Pharmacy Technician No. 24888) - Docket No. PHA-2009-0034.

Recused: Trifone (not present in meeting room)

Board reviewed proposed *Final Decision by Default* to determine order and issue *Final Decision and Order by Default* revoking technician registration.

Timothy J. Madeira (Pharmacy Technician. No. 10716) – Docket No. PHA-2009-0053.

Recused: Trifone (not present in meeting room)

Board reviewed proposed *Final Decision by Default* to determine order and issue *Final Decision and Order by Default* revoking technician registration.

Hai Huynh, R.Ph. (Pharmacist No. 24888) – Docket No. PH-07-064.

Board reviewed and discussed sanction hearing record to determine order and reinstatement terms and issue *Final Decision and Order*.

Lara L. Killen (Pharmacy Technician No. 289) – Docket No. PHA-2008-0023.

Board reviewed and discussed *Proposed Final Decision and Order by Default* to determine order and issue *Final Decision and Order by Default* revoking technician registration.

Recused: Tocco and DeVita (exited meeting room)

Matter of **Ralph Mastriano** (Pharmacist Registration No. 19070) – Docket No. PH-08-027

Board reviewed and discussed communication from registrant's counsel and proposed consent agreement terms.

Matter of **James M. Muzzy** (Pharmacist No. PH22318) – Docket No. 20080710PH004.

Board reviewed registrant's request for reconsideration of consent agreement terms.

12:30 p.m. Motion Cayer/DeVita to end Closed Session.